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Intellectual Property Notes for law students

Semester for 3 YDC students

Intellectual Property Law



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1Q. Define the term intellectual property and its characteristics and various forms of intellectual property?

Ans. Intellectual property rights is having wide discussions. It is recognized n protected in all country. It is promoted by all the countries through discussions in various conventions. There are many statues enacting in India to protect intellectual property right : Following are the various forms of intellectual properties: • Copyrights: - this right is relating literary work or artistic work, there is separate act called as copy right act 1957. Which have been amendment four time in 1983. 1984.1994 and 1999.copy right have to be registered , there is copy right relating to books, articles .the audio n video cassette movies songs no body produce literary work of another party or completely without his consent ,otherwise there is violation of copy rights ,person in who's favor copy rights is register is called as copyright holder ,after death of copy right holder rights passes to his heirs • Trademarks :- there is separate act called trade name act or trade mark act 1958 under trade mark act names or brand of every product or goods or articles can be recognized .trade mark includes trade name, trade number n trade symbol or brand ,nobody can copy same name or number or brand of other product



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.otherwise there is right trade mark holder to file a case in the court and take remedy • Design: - there is separate act called as separate design act 1911. Which have been amended as design act 2000.Design is appearance of the goods or articles any product can b identified by design it including ,packing color, combination, shape n size of the container .it is also registered under design act • Patent :- this is relating to new invention or discovery of any product there is separate act called as patent act 1970, person having patent right is called as patentee .such inventions is relating to medicines and all agricultural product and physical objects nobody can be taken formula of the same product otherwise it is violence of patent right and patentee can take remedy. • Geographical Indication:- it is separate name relating to particular region, area on country. It is also registered. There is separate act to protect called geographical indication Act 1999.

2Q. Explain provision of trips, WIPO and WTO an importance to promote intellectual property right? Ans:- Meaning of trips is trade related to intellectual properties. In trips agreements basic policies have been land down for all the countries relating to intellectual property. There was international

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conventions attained by representatives of 113 countries they passed number of resolutions in 1994 which are applicable for all the countries trips agreement is milestone. In the filled of promotion and protection of intellectual property.

3Q. Explain the terms “Copyright” and procedure of its registration and various rights of copyright holder specifies under copyright Act 1957? Ans:- There is a separate Act to protect copyright called as copy right Act 1957 copyright is relating to literacy work. Such as books, articles, movies, cassettes. Ex: A have written a books nobody can publish same books or take a chapter from the books other wise there is violation of copyright of the authors. Authors have right to transfer his copy right by making agreement.

Procedure for registration of copyright:- There are three authorities under copyright and these are:- 1. Copy Right Office:- In copy right office there is one registered and two deputy registered any author of literally work can apply for registration of copy right in copyright office. It includes



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4Q. What is trade mark and procedure of its registration and distinguish between trade mark, service mark, and property mark. Ans:- Trade mark is necessary for the identification of product, any product gets reputation in Marks, Because of trade mark there was trade mechanalise Mark Act was passed in 1958 and it has been amend and now there is trademarks Act 1999, trade mark is defined as description of the product and it shows, name, number, quality and weight of any product. There is difference between trade mark and property mark. Trade mark is only relating description of product or the goods. Property marks shows name or surname of the owner or manufacture of the goods. Ex.:- Camel product is the trade mark. But Bajaj product is mark relating to ownership called as property mark. Bajaj is the surname of manufacture and therefore it is property mark. Manikchand gutkhais property mark because Manikchand is the name of manufacturer of the product.



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